

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 ROBERT NOCK, :
 : 23-CV-1042 (JHR) (RWL)
 Plaintiff, :
 :
 - against - :
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 SPRING ENERGY RRH, LLC, et al, :
 :
 Defendants. :
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ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Defendants have filed a letter motion at Dkt. 223 to seal certain information filed in connection with their motion for summary judgment. Plaintiff does not object to some of the material designated material. Plaintiff does object to sealing of a few passages from two depositions. (See Dkt. 227.) The Court has reviewed all the information Defendants request be maintained under seal as well as the summary judgment motion papers. The motion to seal is granted in part and denied in part.

As to the information to which Plaintiff does not object, the Court finds that that information is either private and personal information subject to redaction pursuant to the Federal Rules of Civil Procedure, or business-related information that is sufficiently sensitive and tangential to the motion so as to outweigh the presumption to public access. The Court further finds that the redactions are narrowly tailored to the concerns that justify sealing. *See generally Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 142 (2d Cir. 2016) (stating factors and weighing to be considered for sealing); *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (same). Accordingly, the request to maintain sealing of the following information is GRANTED: Exhibit 1 (Booth transcript) 11:25-12:11; 15:19-16:16; 20:7-10; 28:23-29:4;

66:19-67:9; Exhibit 2 (30(b)(6) transcript) 38:2-40:4; 91:12-92:4; customer names, addresses, telephone numbers, utility account numbers, and GPS information reflecting customer addresses in all designated Exhibits; and the redactions to Exhibit 6 (Nock Deposition) and Exhibit 7 (Plaintiff's Interrogatory Responses).

Plaintiff objects to sealing of three excerpts from depositions of Defendants, namely Exhibit 1 (Booth transcript) 5:11-16 and 49:6-51:19, and Exhibit 2 (30(b)(6) transcript) 30:22-35:6 (collectively, the "Disputed Excerpts"). One of the Disputed Excerpts identifies the names of shareholders in one of the corporate Defendants; the other Disputed Excerpts concern a financial relationship between the corporate Defendants and a third party. The Disputed Excerpts are each, to some extent, germane to the second point on which Defendants base their summary judgment motion: i.e., that there is no basis to pierce the corporate veil between the corporate Defendants. As such, the Disputed Excerpts are judicial documents. Notwithstanding that Defendants are private, not public companies, Defendants have not identified with any specificity why disclosure of the particular information would be detrimental so as to outweigh the presumption to public access. Although this Court previously has permitted the same or similar information to be filed under seal, the calculus has changed now that Defendants have moved for summary judgment and placed the subject matter at issue. Accordingly, the request to maintain sealing of the Disputed Excerpts is DENIED.

The Clerk of Court is respectfully directed to terminate the letter motion at Dkt. 223.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: February 13, 2025
New York, New York

Copies transmitted this date to all counsel of record.